

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAN GLISSON and MATTHEW GLISSON,)	Case No.: 11-CV-4945-LHK
)	
Plaintiffs,)	
)	ORDER DENYING STAY PENDING
v.)	RESOLUTION OF THE PARTIES'
)	MOTIONS PURSUANT TO
AMERICAN MEDICAL SYSTEMS, INC.,)	28 U.S.C. § 1407
)	
Defendant.)	

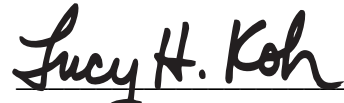
The parties have stipulated to a stay in the above-captioned matter pending resolution of the parties' motions pursuant to 28 U.S.C. § 1407. ECF No. 21. The Court DENIES, without prejudice, the stipulation to stay for the following reasons.

When considering whether to stay proceedings pending a motion before the MDL Panel, courts consider the following factors: (1) conserving judicial resources and avoiding duplicative litigation; (2) hardship and inequity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party. *See Falk v. GMC*, 2007 U.S. Dist. LEXIS 80864, *6 (N.D. Cal. Oct. 22, 2007).

The parties have an initial case management conference set for April 4, 2012. The MDL Panel will hear oral argument on the pending motions to transfer on January 26, 2012. Therefore, it is likely that the MDL Panel will reach a decision long before the parties' April 4, 2012 initial case management conference. The Court finds that a stay here would not conserve judicial resources or avoid duplicative litigation. Denying a stay, on the other hand, will not prejudice either party. Accordingly, the stipulation to stay is DENIED without prejudice.

IT IS SO ORDERED.

Dated: January 13, 2011



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California